

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.* State Engineer,
Plaintiff,

69cv07896-BB
RIO TAOS ADJUDICATION

- v -

EDUARDO ABEYTA, *et al.* &
CELSO ARELLANO, *et al.*,
Defendants.

69cv07939-BB
RIO HONDO ADJUDICATION
Consolidated

Section: Rio Pueblo de Taos
Ditch: Acequia de San Francisco de Pauda

ORDER APPLYING PRIORITY DATE FOR ACEQUIA DE
SAN FRANCISCO DE PAUDA TO INDIVIDUAL SUBFILES

In the May 13, 2002 Memorandum Opinion and Order (Docket No. 3026), the Court clarified procedures for determining subfile priority dates and stated that acequia-wide priority dates are to be applied to the water rights they serve. Each claimant has had an opportunity to prove an earlier priority date during the subfile phase and objectors will have the opportunity to prove later priority dates during the *inter se* phase. (No. 3026) On February 21, 2003, the Court entered a Memorandum Opinion and Order (No. 3102) that adopted a priority date of 1750 for the Acequia de San Francisco de Pauda.

This Order applies the priority date adopted for the Acequia de San Francisco de Pauda to each subfile irrigation water right it serves. The acequia-wide priority date does not apply to supplemental irrigation wells or springs, nor does it apply to individual subfile water rights previously denied by the Court. All water right claims denied have a priority date of "None." Subfile priority dates are listed in Exhibit A attached to this Order.

It is therefore ordered that the 1750 priority date adopted for Acequia de San Francisco de Pauda is applied to individual subfile water rights as set forth in Exhibit A.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

EXHIBIT A
ACEQUIA DE SAN FRANCISCO DE PAUDA¹

| Individual Subfile Priority Dates | |
|-----------------------------------|---------------|
| Subfile Number | Priority Date |
| 16.35B | 1750 |
| 16.35C | 1750 |
| 16.35D | 1750 |
| 17.62 | 1750 |
| 17.63 | 1750 |
| 17.64 | 1750 |
| 17.65 | 1750 |
| 17.65A | 1750 |
| 17.66 | 1750 |
| 17.66A | 1750 |
| 17.67 | 1750 |
| 17.68 | 1750 |
| 17.69 | 1750 |
| 17.70 | 1750 |
| 17.71 | 1750 |
| 17.72 | 1750 |
| 17.72A | 1750 |
| 17.72B | 1750 |
| 18.1 | 1750 |
| 18.2 | 1750 |
| 18.3 | 1750 |
| 18.4 | 1750 |
| 18.4A | 1750 |
| 18.5 | 1750 |
| 18.6 | 1750 |
| 18.7 | 1750 |

¹ In the Memorandum Opinion and Order entered February 21, 2003 (No. 3102), this Acequia is listed as San Francisco de Assisi Ditch. The Order entered July 29, 2004 (No. 4524) clarified the name of this ditch as Acequia de San Francisco de Pauda.